



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
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W.No.21

AMARAVATI, WEDNESDAY, MAY 31, 2023

G.192

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**ADDITIONAL SENIOR CIVIL JUDGE'S COURT
TENALI.**

Monday, this the 20th day of March, 2023

Insolvency Petition No.34 of 2020

Between :

Yarru Ramanaiah, S/o.Koteswara Rao, aged about 45 years, Hindu, r/o.# 1-192/1,
Athota village, Kollipara Mandal, Guntur District.

...Petitioner

And

1. Pothana Ankamma Rao, S/o.Satyanarayana, Hindu, aged about 37 years, Business, R/o.# 1-210, Athota village, Kollipara Mandal, Guntur District.
2. Yarra Narayana, S/o.Kittaiah, Hindu, aged about 55 years, Business, R/o.#1-174, Athota village, Kollipara Mandal, Guntur District.
3. Sanivarapu Venkateswarlu, S/o.Subbarao, Hindu, aged about 65 years, R/o.#1-312, Athota village, Kollipara Mandal, Guntur District.
4. Yarru Krishnarajuna Rao, S/o.Gopala Rao, Hindu, aged about 45 years, Cultivation R/o.# 1-107, Athota village, Kollipara Mandal, Guntur District.
5. Bollimuntha Bhushaiah, S/o.Chinna Ankamma, Hindu, aged about 33 years, Business, R/o.1-16/1, Athota village, Kollipara Mandal, Guntur District.
6. Polisetty Venkateswarlu, S/o.Krishnamurthy, Hindu, aged about 55 years, Cultivation R/o.#2-16, Athota village, Kollipara Mandal, Guntur District.

7. Varikuti Koteswara Rao, S/o.Sambaiah, Hindu, aged about 32 years, Cultivation, R/o.# 1-246, Athota village, Kollipara Mandal, Guntur District.
8. Chandu Venkateswarlu, S/o.Anjaiah, Hindu, aged about 47 years, Business, R/o.# 1-9/2, Athota village, Kollipara Mandal, Guntur District.
9. Yarru Purnachandra Rao, S/o.Ramaiah, Hindu, aged about 51 years, Business, R/o.1-214, Athota village, Kollipara Mandal, Guntur District.
10. Ghanta Nagaraju, S/o.Ramaiah, Hindu, aged about 38 years, Cultivation, R/o.1-42, Athota village, Kollipara Mandal, Guntur District.
11. Mogilisetty Venkaiah, S/o.Venkateswarlu, Hindu, aged about 45 years, Cultivation, R/o.# 1-173, Athota village, Kollipara Mandal, Guntur District.
12. Katiki Srinivasa Rao, S/o.Subba Rao, Hindu, aged about 47 years, Cultivation, R/o.# 1-246, Athota village, Kollipara Mandal, Guntur District.
13. Yarru Gangaiah, S/o.Kanakaiah, Hindu, aged about 65 years, Cultivation, r/o.# 1-137, Athota village, Kollipara Mandal, Guntur District.
14. Daivala Srinivasa Rao, S/o.Guravaiah, Hindu, aged about 47 years, Cultivation, r/o.# 1-19, Athota village, Kollipara Mandal, Guntur District.
15. Tadikonda Sudheer Kumar, S/o.Rathnakar, Hindu, aged about 46 years, Cultivation, R/o.# 1-172/2, Athota village, Kollipara Mandal, Guntur District.
16. Gannisetty Satyanarayana, S/o.Jagannadham, Hindu, aged about 49 years, Cultivation R/o.# 1-247, Athota village, Kollipara Mandal, Guntur District.
17. Mungara Srinivasa Rao, S/o.Pamulu, Hindu, aged about 47 years, Business, r/o.# 1-191, Athota village, Kollipara Mandal, Guntur District.
18. Bollimuntha Venkateswarlu, S/o.Satyanarayana, Hindu, aged about 55 years, Business, r/o.# 2-16/3, Athota village, Kollipara Mandal, Guntur District.
19. Thirumala Gopi S/o.Seshaiah, Hindu, aged about 45 years, Business, R/o.#1-64, Athota village, Kollipara Mandal, Guntur District.
20. Bollimuntha Madhava Rao, S/o.Sambaiah, Hindu, aged about 35 years, Business, r/o.# 1-29, Athota village, Kollipara Mandal, Guntur District.
21. Thota Srinivasa Rao, W/o.Bullebbai, Hindu, aged about 46 years, Business, R/o.2-36, Nandivelugu village, Tenali Mandal, Guntur District.
22. Anapa Suresh Babu S/o.Gopala Rao, Hindu, aged about 49 years, Business, R/o.2-96, Emani village, Kollipara Mandal, Guntur District.

...Respondents

This Insolvency Petition is coming on 07.02.2023 before me for hearing in the presence of Sri B.Vijaya Kumar, Advocate for Petitioner and Respondents 1 to 22 remained set exparte and upon hearing and considering the material on record, having stood over for consideration till this day, this Court made the following:

:: O R D E R ::

1. Petitioner filed this insolvency petition under Section 10 of Provincial Insolvency Act, 1920 to declare the petitioner as an insolvent; to appoint the official receiver as interim receiver of the property of the petitioner and direct him to take the immediate possession ; to grant interim protection to the petitioner from being arrested in any of the proceedings and for costs.

2. The brief averments of the petition is as follows:

The petitioner started private chits and finance business in the month of January, 2017. Some of the members who became successful bidders in chits did not repay the remaining months subscription amounts and some of the persons who took loans from the petitioner left the village without discharging loan amounts. The petitioner forced to pay amounts to remaining members of his chits by borrowing amounts from others including the respondents for higher rate of interest. In the rotation of those compelling circumstances, the petitioner was unable to come out of the said debts. All the efforts made by the petitioner to discharge the debts incurred from the respondents and also to recover the amounts from his borrowers have not been materialized. The petitioner forced to stop business in the year 2019 and some of the respondents threatened him with dire consequences. Some of the respondents also manhandled the petitioner. Some of the respondents have been threatening the petitioner with dire consequences that they will foist false criminal cases against him. Though the wife of petitioner is no way concerned with the debts incurred by the petitioner, some of the creditors abused her in filthy language and thereby outraged her modesty. Even though the petitioner wants to discharge his debts, he is not in a position to main himself and his family and he is not in a position to resist the illegal acts of the respondents. The petitioner has been suffering from ill-health and is unable to maintain himself. The petitioner is living with the mercy of his in-laws.

The petitioner has no worthwhile movable or immovable properties and he has no outstandings due to him. The petitioner has got only movables as shown in B schedule and are not sufficient to pay off the debts shown in A schedule. The petitioner has not alienated any of his properties three months prior to filing of this

petition. Some of the respondents threatening the petitioner to discharge their debts with dire consequences. Hence, the petitioner is constrained to file the petition as his liabilities exceeds his assets and not in a position to discharge the debts. Hence, the petitioner is constrained to file the petition for declaring him as an insolvent. Hence, this petition.

3. Notices were sent to the respondents 1 to 22, but the respondents did not choose to make their appearance before this Court to prosecute their case, hence, ultimately they were set exparte, after giving so-many adjournments.

4. On behalf of the petitioner's side, PW1 is examined and no documents are marked.

5. Heard petitioner's counsel. Perused the material available on record.

6. Now the point for determination is:

Whether the petitioner can be adjudicated and to declare as an insolvent as prayed for?

7. **POINT:**

The counsel for petitioner submitted that the petitioner started private chits and finance business in the month of January, 2017. Some of the members who became successful bidders in chits did not repay the remaining months subscription amounts and some of the persons who took loans from the petitioner left the village without discharging loan amounts. The petitioner forced to pay amounts to remaining members of his chits by borrowing amounts from others including the respondents for higher rate of interest. In the rotation of those compelling circumstances, the petitioner was unable to come out of the said debts. All the efforts made by the petitioner to discharge the debts incurred from the respondents and also to recover the amounts from his borrowers have not been materialized.

The petitioner forced to stop business in the year 2019 and some of the respondents threatened him with dire consequences. Some of the respondents also manhandled the petitioner. Some of the respondents have been threatening the petitioner with dire consequences that they will foist false criminal cases against him. Though the wife of petitioner is no way concerned with the debts incurred by the petitioner, some of the creditors abused her in filthy language and thereby outraged her modesty. Even though the petitioner wants to discharge his debts, he is not in a position to main himself and his family and he is not in a position to resist the illegal acts of the respondents. The petitioner has been suffering from ill-health and is unable to maintain himself. The petitioner is living with the mercy of his in-laws. Due to their acts, the petitioner is suffering both mentally and physically and the petitioner and his family members are residing with the mercy of his relatives and he is not in a position to discharge the debts and his debts exceeds his assets, the creditors threatening the petitioner and hence, the petitioner is constrained to file the petition for declaring him as an insolvent and prays to allow the petition.

8. In support his case, the petitioner himself examined as PW1 who filed his affidavit in lieu of examination-in-chief, wherein he reiterated the contents of his petition and as such, the examination-in-chief of PW1 is true replica of the petition. PW1 in his chief examination deposed that the petitioner did private chits and finance business and he has sustained heavy loss due to some of the chit subscribers left the village and some of them not repaid the chit amounts and for which he borrowed amounts from the respondents by executing promissory notes and hand loan debts, the petitioner sustained loss in the cultivation and failed to clear the debts. The respondents threatening the petitioner with dire consequences

to clear the debts and the petitioner and his family members eaking their lives with the mercy of their relatives, but the petitioner is not in a position to discharge his debts and constrained to file this petition.

9. The petitioner-debtor contended that he is unable to pay his debts to his creditors, as he sustained loss and pray to declare him as insolvent. As already stated above notices were sent to the respondents and also publication made through newspaper, but the respondents did not choose to make their appearance before this Court to prosecute their case, hence, ultimately they were set exparte, after giving so-many adjournments. Hence, the evidence of PW1 is intact, un rebutted and unchallenged. Keeping in view the said circumstances, this Court is of the opinion that the petitioner is entitled for declaring him as an insolvent.

10. In the result, the petition is allowed without costs, petitioner is adjudicating and declaring as an insolvent. The time for discharge is six months. Since there are no movable or immovable properties, there is no need to appoint an official receiver. Office is directed to communicate a copy of this order to the District Collector, Guntur for publication in Official Gazette as per Section 30 of Provincial Insolvency Act, 1920.

(Typed to my dictation by the Personal Assistant, corrected and pronounced the operating portion of the order by me in open Court, this the 20th day of March, 2023.)

K. VANI,
Additional Senior Civil Judge,
Tenali.

*Appendix of Evidence
Witnesses Examined*

For Petitioner:

P.W.1- Yarru Ramanaiah

For Respondent:

- Exparte -

Exhibits Marked

“No documentary evidence is adduced.”

K. VANI,

Additional Senior Civil Judge,

Tenali.

[Dis.No.365

Copy to :

The District Collector, Guntur.

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